

**Section III:**  
**AMENDMENT UNDER 37 CFR §1.121 to the**  
**DRAWINGS**

No amendments or changes to the Drawings are proposed.

**Section IV:**  
**AMENDMENT UNDER 37 CFR §1.121**  
**REMARKS**

**Rejections under §103(a) over McLain in view of Agrawal**

In the Office Action, independent claims 22 - 29 were rejected as being obvious under 35 USC §103(a) over the combination of newly-cited US Patent 6,393,758 to McLain in view of previously-cited Agrawal.

It was reasoned by the Examiner that McLain teaches all of the steps, elements, and limitations of the independent claims, except that McLain is silent as to teaching determining the battery condition of a networked device and using that battery condition as a factor in selecting web objects to transmit or download to the networked device. It was proposed that Agrawal teaches these elements, and that motivation to combine was found in McClain's teachings regarding efficient use of the networked device's memory.

Applicants' claims are patentably distinguished over McLain in view of Agrawal for the following reasons:

- (A) Applicants' claims are directed towards restricting transfers of data *from* a server *to* the mobile device, while Agrawal's technology is directed towards the reverse transfer of information (e.g. *from* the mobile station *to* the base station) (ABSTRACT, col. 1 lines 59 - 61).
- (B) Applicants' claims are directed towards methods for restricting the information transmitted from a server to a mobile device based upon a variable condition, namely battery level, while McLain's technology is directed towards restricting the information transferred to a mobile device based upon a non-variable condition, namely memory capacity. Memory capacity would not change over time for a particular device, and thus McLain would not contain a suggestion to adapt or modify to determine which information objects to transfer based upon a variable condition.

- (C) The primary reference, McLain, briefly acknowledges that many portable devices are battery powered (col. 1 lines 22 - 28), but McLain does not disclose that their method minimizes battery energy consumption or extends battery life. Instead, McLain indicates that their method minimizes *wasted memory* (col. 2 lines 15 - 16) for subsequent "offline browsing" (col. 2 lines 20 -21, col. 3 lines 45 - 49).

Agrawal does not teach battery life maximization using their method, either, but instead teaches *prioritizing* upload (from the mobile device to the base station) of information from the low-battery networked device in order to fully accomplish the transfers *before the battery dies* (ABSTRACT, col. 1 lines 65 - 67). It was argued in the Office Action that Agrawal teaches using battery condition to "take action", but Agrawal only teaches using battery condition to assign higher priority to data transmissions from the low-battery device. There is no suggestion in Agrawal that battery condition should be used for broadly "taking action", and there is no suggestion to specifically select essential web objects thereby suppressing download of non-essential web objects.

Neither McLain or Agrawal, therefore, teaches or even suggests using battery condition as a parameter to determine which essential or non-essential web page objects to transmit from a server to a networked client in order to extend battery life.

Motivation or Suggestion To Combine and Modify Does not Exist. Because neither McLain or Agrawal even suggests using battery condition as a parameter to determine which essential or non-essential web page objects to transmit to a networked client in order to extend battery life, there is no motivation provided in these reference to combine them in any manner with any other cited reference to achieve these functions and goals. For example, US Patent 6,553,410 to Kikinis, cited but no relied upon, discloses a method to extend battery life using static parameters about the device, but fails to disclose determining a dynamic battery condition or battery level, and using that condition or level in order to select essential web objects for transmission.

For these reasons, Applicants request allowance of claims

**Response to Arguments Regarding "Essential" Web Objects**

Applicants maintain all previously submitted arguments regarding the claim element, step, or limitation with respect to "essential web objects". Please refer to previous replies for details. By "essential", Applicants mean web objects that are pertinent to the essential meaning of the web page, such as blocks of text or diagrams which are absolutely necessary and indispensable for the meaning of the web page. This term was present in the claims as originally filed, and corresponds well with the specification which discloses example embodiments of sets of web objects for a page delineated by normal objects (e.g. essential objects) and advertisement objects (paras. [0043], [0048], etc.).

In view of the facts presented above regarding shortcomings of the proposed combination of cited art, patentability of the claims is sufficiently established through multiple distinguishing features including claiming the use of battery condition to restrict the download or transmission of non-essential web page objects from a server to a networked client device. For these reasons, Applicants request allowance of claims 22 - 39.

Respectfully,



Robert H. Frantz, Reg. No. 42,553  
Agent for Applicants Tel: (405) 812-5613  
**FRANKLIN GRAY PATENTS, LLC**